

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**MIGUEL A. RIVERA-SANTIAGO**  
**Petitioner-Appellant**

**v.**

**UNITED STATES OF AMERICA**  
**Respondent-Appellee**

**Cv. 97-1557(RLA)**

**EMERGENCY MOTION FOR FURTHER ENLARGEMENT OF DATE TO FILE  
OUTLINING PETITIONER'S ISSUES AND CONTINUANCE OF 01/25/05 PRETRIAL  
CONFERENCE DUE TO LATE PRODUCTION OF LEGAL FILE BY WARDEN -  
ALLENWOOD TO PETITIONER AT MDC - GUAYNABO, AND ANY OTHER  
REMEDY PURSUANT TO LAW**

**TO THE HONORABLE COURT  
HONORABLE RAYMOND L. ACOSTA,  
SENIOR U.S. DISTRICT JUDGE:**

Comes now the defendant, Miguel A. Rivera-Santiago, by the undersigned counsel, and very respectfully states, informs, and prays as follows:

1. On December 1, 2004, at the request of Petitioner Miguel A. Rivera-Santiago, (Dkt. # 67-68), the Honorable Court ordered the Warden, FCI Allenwood, to deliver all legal documents belonging to inmate Rivera-Santiago to the petitioner at MDC - Guaynabo, on or about 12/15/04, (Dkt. # 69), and rescheduled the Pretrial Conference for 01/25/05, (Dkt. #70).

2. The indispensable legal documents reached the petitioner at MDC - Guaynabo on 01/11/05. Additionally, the petitioner has expressed interest in receiving new constitutional case law as to Sixth Amendment and sentencing, to wit: Booker v. U.S.A., No. 04-104, 04-105, 2005 WL 50108 (01/12/05).

3. On August 27, 2004, at the time of the last status conference before the Honorable Court, Supervisor Assistant U.S. Attorney Edwin Vázquez-Berríos committed the government to review whether there had been any government's plea offer to petitioner Rivera-Santiago at the time of pretrial or trial, back in 1992. That is one of the issues before the Honorable Court, pursuant to the 06/25/04 order by the U.S. Court of Appeals.

One of the specific issues is whether, as a result of a conflict of interest arising from the defense attorney's fee arrangement, the appellant's counsel had failed to relay the government's plea offer to the petitioner. It would expedite the instant case if the government proffered to the Honorable Court whether the government had made any plea offer back in 1992.

FOR ALL THE ABOVE STATED FACTORS, it is respectfully requested to this Honorable Court, Honorable Raymond L. Acosta, Senior U.S. District Judge to: a) grant the petitioner until 02/11/05 to review his own legal documents and to fully confer with court-appointed counsel; b) remind the government to proffer whether any government plea offer was relied to defense counsel as to petitioner Rivera-Santiago, back in 1992, c) to reset the submission of the petitioner's outlining of issues for 02/14/05, d) to reschedule the Pretrial Conference for any available setting in the latter part of February 2005, immediately after the undersigned counsel concludes trial in Cr. 03-081-06(HL) and, e) any other remedy pursuant to law.

I hereby certify that today I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney Edwin Vázquez-Berrios, United States Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, Hato Rey, PR 00918.

Respectfully submitted, in San Juan, Puerto Rico, today, January 18, 2005.

FOR COURT-APPOINTED DEFENDANT  
MIGUEL A. RIVERA-SANTIAGO

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